

REQUEST FOR CLARIFICATION/INTERPRETATION

TO:	Name and Title: Jannis Conselyea, Bureau Chief	FROM:	Name and Title: Lori Wertz, QIS
	Organizational Unit: DDP Central		Organizational Unit: Region II DDP
	Address: Helena		Address: Great Falls

1. TYPE OF REQUEST: ☐ Follow-up to Verbal Request - Date of Verbal Request: [Click here to enter text.](#) ☒ Written Request

2. STATEMENT OF QUESTION OR ISSUE: Under self directed services, please help us understand the following: Is there any limitation or exclusion on who can be the employer under self direct? For example, if a parent has been found guilty of Medicaid fraud or has been disbarred by OIG, can s/he still be the employer of record under self direct? Similarly, if CPS removes a child from his/her natural home OR the parent has been convicted of a felony (methamphetamine use/endangering the welfare for example), would they be precluded from being the employer? Would a foster family, as an example, be eligible to be the employer in that situation even temporarily?

If not, or if the "team" determines that a family can no longer self direct services, what is the process and required documentation needed to suspend that service? As an example, if CPS removes the children, who notifies the fiscal intermediary? And if this is a "team" decision (obviously the family is a Team member), is the decision to not allow self directed services eligible for appeal or Fair Hearing under current DDP policies? What role if any would the standard procedural safeguards play in the process?

Thanks in advance for your help!

References: Montana Self Direct with Employer Authority—Employer Handbook, 42 CFR 431.210., ARM 37.34.919

3. ANSWER: Yes there are exclusions which would prevent an individual from working with or providing self directed services, these include:

- (1.) An individual's name is listed on the Medicaid, MED or LEIE excluded party list, as specified in contract.
- (2.) The Developmental Disabilities Background Check Policy excludes employment due to adjudicated criminal activity.
- (3.) The individual or the Provider does not meet training or licensure requirements.

In situations where a DDP or APS investigation finds that there is a risk to health and welfare and the individual cannot safely be served, the attention should be on the individual in services rather than the employer or employee. The process for terminating self-directed services is outlined in the 0208 Waiver. Any adverse decision of the Department involving a Waiver recipient is subject to Fair Hearing.

Approved and Issued by:  (Program Director)

Date: 12-20-12

Reference

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